

Environment & Health Meeting Agenda



Committee Chair: Ruth Walter

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 20, 2021

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committees on Budget & Appropriations, Legislation and Public Works & Transportation.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2021-351](#) **PH-Vehicle Procurement**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted." [Public Hearing set for _____, 2021 at _____.m.]. LOCAL LAW INTRO 2021-352.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, ENVIRONMENT & HEALTH AND PUBLIC WORKS & TRANSPORTATION

Guests:

Chief Deputy County Attorney Stacey Dolgin-Kmetz; Peter McCartt, Director of Energy Conservation and Sustainability; Steve Bass, Director of Intergovernmental Relations.

2. [2021-352](#) **LOCAL LAW-Vehicle Procurement**

A LOCAL LAW amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, ENVIRONMENT & HEALTH AND PUBLIC WORKS & TRANSPORTATION

Guests:

Chief Deputy County Attorney Stacey Dolgin-Kmetz; Peter McCartt, Director of Energy Conservation and Sustainability; Steve Bass, Director of Intergovernmental Relations.

3. [2021-504](#) **PH - Modify Disposal of Surplus Property**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the procedures for the

sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2021-505.

Item was placed directly into committee.

Joint with the Committees on Budget & Appropriations, Public Works & Transportation, and Legislation.

Guests:

LAW: Assistant Chief Deputy Tami Altschiller and Senior Assitant County Attorney Jeff Goldman

FINANCE: Commissioner Ann Marie Berg and Martin Connolly, Bureau of Purchase and Supplies

PUBLIC WORKS & TRANSPORTATION: Hugh Greechan, Commissioner and Michael Swee, Principal Planner.

4. [2021-505](#) **LL - Modify Disposal of Surplus Property**

A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

Item was placed directly into committee.

Joint with the Committees on Budget & Appropriations, Public Works & Transportation, and Legislation.

Guests:

LAW: Assistant Chief Deputy Tami Altschiller and Senior Assitant County Attorney Jeff Goldman

FINANCE: Commissioner Ann Marie Berg and Martin Connolly, Bureau of Purchase and Supplies

PUBLIC WORKS & TRANSPORTATION: Hugh Greechan, Commissioner and Michael Swee, Principal Planner.


II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

May 24, 2021

TO: Hon. Benjamin Boykin, Chair
Hon. Alfreda Williams, Vice Chair
Hon. MaryJane Shimsky, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **LOCAL LAW – Vehicle Procurement.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 24, 2021 Agenda.

Attached Local Law amending the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 24, 2021 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

April 26, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.

As you are aware that the most recent amendment to the County motor vehicle purchasing policy was enacted in 2011. Since then, the viability of purchasing plug-in hybrid and electric vehicles has markedly improved. In 2011, the baseline cost of a standard plug-in hybrid was \$32,000. In 2021, that cost has been reduced by nearly \$9,000, adjusting for inflation. Moreover, state and federal incentives have further cut the costs of owning an advanced vehicle for both the average consumer and public entities. The transportation sector accounts for the largest portion of greenhouse gas emissions in the United States. According to the Environmental Protection Agency, American transportation generates 1.87 billion metric tons of carbon dioxide emissions each year, 28 percent of the country's total carbon output. In Westchester County, transportation comprises an even larger portion of total emissions, at 40 percent with 3.76 million tons of carbon released into the atmosphere annually. Climate change poses an existential threat to Westchester's nearly one million residents, particularly those in its most vulnerable communities. Unmitigated, sea levels could rise as much as six (6) feet by the end of the century, submerging treasured County locations such as Playland Park, the Yonkers Waterfront District, and almost all of New Rochelle's Glen Island. Moreover, increased incidents of flooding, heat emergencies, and heightened food scarcity threatens devastating effects on economically disadvantaged residents, a disproportionate percentage of whom are Black and Brown.

Plug-in hybrid and battery electric vehicles emit considerably less carbon dioxide than comparable gasoline, diesel and, standard hybrid vehicles. Replacing a standard passenger vehicle using a petroleum engine with a plug-in hybrid would reduce fuel consumption by 70%, while replacing it with an electric vehicle would reduce fuel consumption by 98%. President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad set a mandate for "clean and zero-emission vehicles for Federal, State, local, and Tribal

government fleets” by 2035. Ulster County and New York City have already set mandates to convert their entire fleet to advanced vehicles within the next two decades. This proposed Local Law will assist Westchester in its commitment to fulfill the goals of the Paris Climate Agreement by drastically reducing the County’s fuel emissions and setting a standard for local entities to follow. It will also affirm the County’s leadership position in meeting the standards set forth in the Climate Leadership and Community Protection Act of 2019 to reduce carbon emissions by 85 percent within the next thirty years.

Specifically, the proposed Local Law would amend Chapter 836 of the Laws of Westchester County by mandating that all purchases by the County of Westchester of motor vehicles shall be for electric vehicles, plug-in hybrid vehicles or alternative fuel vehicles, with limited exemptions. In addition, the proposed legislation eliminates the existing exemption in section 836.42 for “all vehicles of law enforcement purposes”. Many County agencies have proactively purchased electric and plug-in hybrid vehicles. As of April 2021, the County employs 68 plug-in hybrids and 17 full electric vehicles.

The lifespan of the fleet’s non-chargeable vehicles make their continued purchase a considerable setback to the County’s goal of converting the fleet to zero-emissions vehicles by 2035. Non-plug in hybrid vehicles last 10 years on average with some of the fleet’s non plug-in vehicles remaining in service as long as 14 years. Launching major investments in plug-in hybrids and electric vehicles now would prevent a rushed and costly push to convert the fleet in a decade. Moreover, using the federal government’s estimate for the social cost of carbon emissions, the county would save more than \$240,000 through lower vehicle emissions, assuming a full conversion to plug-in hybrids, over the lifespan of the fleet’s vehicles

Additionally and as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that this proposed Local Law constitutes a Type II action which does not require further environmental review.

I respectfully request that your Honorable Board adopt the attached Local Law amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.

Sincerely,



GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.”

Your Committee is aware that the most recent amendment to the County motor vehicle purchasing policy was enacted in 2011. Since then, the viability of purchasing plug-in hybrid and electric vehicles has markedly improved. In 2011, the baseline cost of a standard plug-in hybrid was \$32,000. In 2021, that cost has been reduced by nearly \$9,000, adjusting for inflation. Moreover, state and federal incentives have further cut the costs of owning an advanced vehicle for both the average consumer and public entities.

Your Committee has been informed that the transportation sector accounts for the largest portion of greenhouse gas emissions in the United States. According to the Environmental Protection Agency, American transportation generates 1.87 billion metric tons of carbon dioxide emissions each year, 28 percent of the country’s total carbon output. In Westchester County, transportation comprises an even larger portion of total emissions, at 40 percent with 3.76 million tons of carbon released into the atmosphere annually.

Your Committee is further informed that climate change poses an existential threat to Westchester's nearly one million residents, particularly those in its most vulnerable communities. Unmitigated, sea levels could rise as much as six (6) feet by the end of the century, submerging treasured County locations such as Playland Park, the Yonkers Waterfront District, and almost all of New Rochelle's Glen Island. Moreover, increased incidents of flooding, heat emergencies, and heightened food scarcity threatens devastating effects on economically disadvantaged residents, a disproportionate percentage of whom are Black and Brown.

Your Committee has been advised that plug-in hybrid and battery electric vehicles emit considerably less carbon dioxide than comparable gasoline, diesel and standard hybrid vehicles. Replacing a standard passenger vehicle using a petroleum engine with a plug-in hybrid would reduce fuel consumption by 70%, while replacing it with an electric vehicle would reduce fuel consumption by 98%. Moreover, President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad set a mandate for "clean and zero-emission vehicles for Federal, State, local, and Tribal government fleets" by 2035. Ulster County and New York City have already set mandates to convert their entire fleet to advanced vehicles within the next two decades.

Your Committee finds that the proposed Local Law will assist Westchester in its commitment to fulfill the goals of the Paris Climate Agreement by drastically reducing the

County's fuel emissions and setting a standard for local entities to follow. It will also affirm the County's leadership position in meeting the standards set forth in the Climate Leadership and Community Protection Act of 2019 to reduce carbon emissions by 85 percent within the next thirty years.

Your committee is informed that the lifespan of the fleet's non-chargeable vehicles make their continued purchase a considerable setback to the County's goal of converting the fleet to zero-emissions vehicles by 2035. Non-plug in hybrid vehicles last 10 years on average with some of the fleet's non plug-in vehicles remaining in service as long as 14 years. Launching major investments in plug-in hybrids and electric vehicles now would prevent a rushed and costly push to convert the fleet in a decade. Moreover, using the federal government's estimate for the social cost of carbon emissions, the county would save more than \$240,000 through lower vehicle emissions, assuming a full conversion to plug-in hybrids, over the lifespan of the fleet's vehicles.

Your Committee is informed that the attached Local Law would amend Chapter 836 of the Laws of Westchester County by mandating that all purchases by the County of Westchester of motor vehicles shall be for electric vehicles, plug-in hybrid vehicles or alternative fuel vehicles, with limited exemptions. In addition, the proposed legislation eliminates the existing exemption in section 836.42 for "all vehicles of law enforcement purposes."

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that

this proposed Local Law constitutes a Type II action which does not require further environmental review. Your Committee concurs with that conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

SDK 4-19-21

FISCAL IMPACT STATEMENT

SUBJECT: Vehicle Procurement

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Equipment acquisition accounts county-wide

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: There is no financial impact to the County as the higher vehicle acquisition costs are offset by reduced fuel expenditure over the life of the vehicle.

Next Four Years: The proposed changes to the vehicle acquisition requirements will reduce carbon emissions over the life of a typical passenger vehicle by approximately 4 tons per vehicle replaced.

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: April 22, 2021

Reviewed By: 

Budget Director

Date: 4/22/21

RESOLUTION NO. ____ – 2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2021, entitled “A LOCAL LAW amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.” The public hearing will be held at __.m. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

LOCAL LAW INTRO. NO. - 2021

A LOCAL LAW amending Chapter 836 of the Laws of Westchester County to provide that purchases by the County of Westchester of motor vehicles shall be for plug-in-hybrid, electric or alternative fuel vehicles unless otherwise exempted.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 836.42 of Chapter 836 of the Laws of Westchester County is amended to read as follows:

1. Notwithstanding any provision of this Chapter or any provision of the Laws of Westchester County to the contrary, and unless otherwise exempted as herein provided, all purchases by the County of Westchester of motor vehicles shall be for [high mileage vehicles,] electric vehicles, [hybrid vehicles], plug-in hybrid vehicles or alternative fuel vehicles, exempting instances listed in Subdivisions "7" and "8" of Section 836.42.
2. For the purposes of this Section, the term "motor vehicle" shall mean every four-wheeled vehicle operated or driven predominantly upon a public highway which is propelled by any power other than muscular power.
3. For the purposes of this Section, the term "high mileage vehicle," shall mean a motor vehicle propelled by an internal combustion or similar type engine that is rated as having a combined city/highway fuel consumption of 35 miles per gallon or

more and shall have the following United States Environmental Protection Agency smog rating for each of the corresponding years:

- Smog rating of six or higher if purchased after January 1, 2015 and on or before December 31, 2015
 - Smog rating of seven or higher if purchased after January 1, 2016 and on or before December 31, 2016
 - Smog rating of eight or higher if purchased after January 1, 2017.
4. For the purposes of this Section, the term "electric vehicle" shall mean a motor vehicle propelled by an electric motor or motors powered by rechargeable battery packs.
 5. For the purposes of this Section, the term "hybrid vehicle" shall mean a motor vehicle that utilizes both an electrical motor and a gasoline or diesel powered engine which work in tandem to decrease fuel consumption.
 6. For the purposes of this Section, the term "alternative fuel vehicle" shall mean a motor vehicle propelled by a fuel other than petroleum such as ethanol, biodiesel, natural gas, propane or hydrogen.
 7. For the purposes of this Section, the term "plug-in hybrid vehicle" shall mean a motor vehicle that utilizes both an electrical motor with recharging capabilities and a gasoline or diesel powered engine which work in tandem to decrease fuel consumption.

[7]8. Exempted from the provisions of this Section are: (i) all vehicles not of four wheels; and (ii) [all vehicles used for a law enforcement purpose; and] (ii) all vehicles used for heavy construction, hauling or a similar purpose.

[9]. Any other request for an exemption from the provisions of this Section must be supported by good cause. An exemption may be authorized by the Commissioner of Public Works and Transportation. "Good cause" for the purposes of this subdivision shall include: (i) the vehicle's use for law enforcement or other [an] emergency services purpose; (ii) the vehicle's use for another essential municipal service as determined by the Commissioner of Public Works or other appropriate commissioner; or (iii) the unavailability of a high mileage vehicle, an electric vehicle, a hybrid vehicle or an alternative fuel vehicle suitable for the intended purpose or for another other municipal use as might be necessitated by specific circumstances determined by the Commissioner of Public Works.

§2. This Local Law shall take effect immediately.

George Latimer
County Executive

September 9, 2021

Westchester County Board of Legislators
800 Michaelian Office Building
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Transmitted herewith is a Local Law, which, if adopted by your Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

I have been advised by the Department of Public Works and Transportation ("Department") that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount, and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009 which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrappage must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric-powered buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all

Office of the County Executive

Michaelian Office Building
118 Martine Avenue
White Plains, New York 10601

Email: CE@westchestergov.com
Telephone: (914)995-2900

westchestergov.com

surplus, obsolete or unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

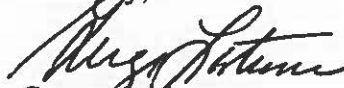
Additionally, as your Honorable Board is aware, my administration is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Planning Department has advised that, based on its review, the proposed Local Law constitutes a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. As such, I have been advised that no further environmental review is required. The Planning Department notes, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Honorable Board may use such expert advice to reach its own conclusion.

I have been further advised that pursuant to LWC Section 209.171(7), the Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, the proposed Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Accordingly, I most respectfully recommend your Honorable Board's favorable consideration of the attached Resolution authorizing a public hearing and the Local Law.

Sincerely,


George Latimer
County Executive

GL/HJG/JPG
Attachment

**HONORABLE BOARD OF LEGISLATORS
THE COUNTY OF WESTCHESTER**

Your Committee is in receipt of a communication from the County Executive recommending the enactment of a Local Law, which, if adopted, by this Honorable Board, would authorize the County of Westchester ("County") to amend the Laws of Westchester County ("LWC") to modify the procedures for disposal of certain surplus property.

The Department of Public Works and Transportation ("Department") has advised that it wishes to participate in the New York State Truck Voucher Incentive Program (the "Program"), administered by the New York State Energy Research and Development Authority ("NYSERDA"). The purpose of the Program is to make it easier for both public and private sector bus and truck fleet owners ("Fleet Owner") to adopt clean vehicle technologies while removing the oldest, dirtiest diesel engines from New York roads. Under the Program, a Fleet Owner agrees to purchase an electric powered vehicle from a vendor/dealer ("Contractor") qualified to sell that vehicle through the Program. The Contractor then applies to NYSERDA for a voucher which covers part of the purchase price of the vehicle. The incentive voucher amount for a particular vehicle is calculated based on a formula established by NYSERDA. If NYSERDA approves the voucher application, it reimburses the Contractor for the full voucher amount and the Contractor deducts the value of the voucher from the total sale price of the vehicle. It should be noted that in exchange for receiving the discount and to guarantee that voucher-supported vehicle projects result in material and verifiable emissions reductions and local air quality improvements, the Fleet Owner is required to scrap an eligible diesel-powered vehicle with engine model year 1992 through 2009, which has been registered, domiciled, and operated in New York State for at least the past two years. In addition, the scrapping must be performed by a State-approved vehicle dismantler facility and is a required step in the voucher redemption process. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half.

The Department has advised that it currently has four (4) diesel powered buses that it wishes to scrap in order to receive the discount for the purchase of cleaner electric powered buses offered under the Program and that it plans to acquire additional electric buses under the Program in future years. However, as currently written, LWC Section 836.31(2) requires that all surplus, obsolete or

unused supplies, materials, or equipment be sold or leased by the Purchasing Agent through public auction or after receiving bids. Therefore, in order to accomplish this transaction, it will be necessary to modify the procedures for the sale or lease of surplus property contained in LWC Section 836.31 by the addition of a new subsection to provide the Purchasing Agent with the power to scrap said diesel-powered buses. It should be noted that the County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

Additionally, as your Honorable Board is aware, the County Executive is strongly committed to reducing the County's carbon footprint generally. In furtherance of this goal, the County seeks to participate in other similar grant programs to reduce greenhouse gases emitted as a result of the County's daily activities. Accordingly, the proposed Local Law will further modify the procedures for the sale or lease of surplus, obsolete or unused supplies, materials, or equipment contained in LWC Section 836.31, by the addition of another new subsection to provide the Purchasing Agent with the power to dispose of said surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any such grant programs.

The Department of Planning has advised that, based on its review, the proposed Local Law would constitute a "Type II" action under the State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617. Type II actions are those actions determined not to have a significant environmental effect and therefore no further environmental review is required. Your Committee is advised, however, that aside from the defined bus scrappage, the undertaking of alternate disposal methods as may be allowed under the new law may be subject to further environmental review in compliance with SEQRA. Your Committee has reviewed the attached SEQRA documentation and concurs with this conclusion.

Your Committee is further advised that pursuant to LWC Section 209.171(7), the proposed Local Law amending LWC Section 836.31 is subject to permissive referendum, because it changes a provision of law relating to the sale, exchange or leasing of County property. Consequently, this Local Law may not take effect until sixty (60) days after its adoption, assuming that within that time a petition protesting its adoption is not filed by the number of qualified electors required by law.

Your Committee is informed that an affirmative vote of the majority of the total voting power of your Honorable Board is required before the County may adopt the attached Local Law. In addition, also attached is a Resolution authorizing a Public Hearing as required by §209.141(4) of the Westchester County Administrative Code.

Your Committee has carefully considered the annexed proposed Local Law and Resolution and recommends their adoption.

Dated: _____, 2021
White Plains, New York

COMMITTEE ON

C/JPG: 8/16/21

FISCAL IMPACT STATEMENT

SUBJECT: Modification of Procurement Act NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND AIRPORT FUND SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ _____ -

Total Current Year Revenue \$ _____ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations Other (explain)

Identify Accounts: 365 44 T003A 6190 (\$1,305,428) Contra Expense

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: _____

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: 2022: (\$1,305,428) Invoice Credit on acquisition of (4) all electric buses.

Additional savings will be realized to extent additional federal/state funding under this and/or any other grant program designed to reduce carbon emissions becomes available.

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: August 30, 2021

Reviewed By: 

01/30/21

Budget Director

Date: 8/30/21

TO: Jeffrey Goldman, Senior Assistant County Attorney
Department of Law

FROM: David S. Kvinge, AICP, RLA, CFM
Director of Environmental Planning



DATE: August 31, 2021

SUBJECT: **STATE ENVIRONMENTAL QUALITY REVIEW FOR LOCAL LAW
AMENDING THE PROCEDURES FOR DISPOSAL OF CERTAIN
SURPLUS COUNTY PROPERTY**

PROJECT/ACTION: A local law to amend Chapter 836 of the Laws of Westchester County, which provides for the sale or lease of surplus, obsolete or unused supplies, materials and equipment owned by the County by the County's Purchasing Agent. Two new subsections will be added to Section 836.31. The first would give the County Purchasing Agent the specific authority to scrap diesel-powered buses in order to receive a discount on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. The second would give the Purchasing Agent the general authority to dispose of surplus county property in such manner as may be required under other grant programs designed to reduce carbon emissions.

With respect to the State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617, the Planning Department recommends that no further environmental review is required because the project/action:

- DOES NOT MEET THE DEFINITION OF AN "ACTION" AS DEFINED UNDER SECTION 617.2(b)**
- MAY BE CLASSIFIED AS TYPE II PURSUANT TO SECTIONS:**
- **617.5(c)(31):** purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials.
 - **617.5(c)(33):** adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list.

COMMENTS: The amendment will allow the County Purchasing Agent to dispose of surplus county property in ways other than by public auction or bid, as may be required to participate in programs designed to reduce air pollution and greenhouse gases, which will benefit the environment. It is noted, however, that aside from the scrapping of diesel-powered vehicles already evaluated herein, any other alternate disposal methods that may be considered in the future may be subject to environmental review if so required pursuant to SEQR.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Norma Drummond, Commissioner
Michael Swee, Director of Surface Transportation (DPWT)
Claudia Maxwell, Associate Environmental Planner

RESOLUTION NO. -2021

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____-2021 entitled "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." The public hearing will be held at ____ m. on the ____ day of _____, 2021 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

Benjamin Boykin II

Chairman of the Board

Legislator, 5th District



TO: Hon. Catherine Borgia
Chair, Budget & Appropriations

Hon. Kitley Covill
Chair, Legislation

Hon. Vedat Gashi
Chair, Public Works & Transportation

Hon. Ruth Walter
Chair, Environment & Health

FROM: Hon. Benjamin Boykin
Chairman of the Board

DATE: September 7, 2021

RE: LL & PH – Modify Disposal of Surplus Property

As Chairman of the Board of Legislators, I am placing the below items directly into the Committees on Budget & Appropriations, Legislation, Public Works & Transportation and Environment & Health.

Thank you.

(ID: 2021-504) A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 2021-505.

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cc: Jill Axelrod
Yolanda Valencia
Alie Restiano

James Silverberg
Melanie Montalto
Sunday Vanderberg

Tel: (914) 995-2827 • Fax: (914) 995-3884 • E-mail: Boykin@westchesterlegislators.com

LOCAL LAW INTRO. NO. -2021

A LOCAL LAW amending the procedures for the sale or lease of surplus property as set forth in Section 836.31 of the Laws of Westchester County by adding a new subsection 7 to provide the Purchasing Agent the power to scrap diesel-powered buses and a new subsection 8 to provide the Purchasing Agent with the power to dispose of surplus, obsolete or unused supplies, materials, or equipment in such manner as may be required under any grant program designed to reduce carbon emissions.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 836.31 is hereby amended to read as follows:

1. Surplus, obsolete or unused supplies, materials, or equipment in any storeroom or warehouse or not required by any agency of the county, except: computers and computer equipment; surplus or obsolete paratransit/shuttle type buses; shall be surrendered to the Purchasing Agent and shall be sold or leased by him as provided for in 836.31(2), (3), (4) and (5) of this section.
2. Such supplies, materials or equipment as set forth in 836.31(1) of this section may be sold or leased to the highest responsible bidder at public auction or after receipt of bids and after advertisement in at least two (2) successive issues of a daily paper published in the County of Westchester.
3. Whenever in the opinion of the Purchasing Agent, the value of such item as mentioned in 836.31(1) of this section does not exceed the sum of one thousand dollars (\$1,000.), he may sell or lease the same to the highest bidder without public advertisement. Bids on such items must be obtained from at least three (3) bidders, whenever possible. If, however, only one (1) bid is submitted to the Purchasing Agent, the sale or lease shall be made at a price not less than the value fixed by the Purchasing Agent.
4. All surplus, obsolete or unused materials, supplies and equipment, which, in the opinion of the Purchasing Agent and the head of the department involved, are not salable, may be destroyed or otherwise disposed of under the direction of the Purchasing Agent. This provision shall not apply to public records or computers and computer equipment or surplus or obsolete paratransit/shuttle type buses, subject to the following exception, if pursuant to Section 131.41 of the Laws of Westchester County, the Commissioner of Public Works and Transportation determines in his reasonable opinion that any particular paratransit/shuttle type bus is not capable of safe operation or that there is no interest in any particular bus, then same shall be returned to the jurisdiction of the Purchasing Agent and disposed of by the Purchasing Agent in accordance with this section.

5. Notwithstanding the above, the Purchasing Agent is hereby authorized to sell to the MTA Bus Company, a corporate subsidiary of the Metropolitan Transportation Authority a New York State public benefit corporation, up to eighty-four (84) transit buses acquired by the County in 1995 and 1996. Each bus shall be made available for sale only when and if the County Commissioner of Transportation determines that it is no longer required for public transit service and is surplus to the needs of Westchester County. The MTA Bus Company shall pay to the County a price not to exceed Two Thousand Six Hundred (\$2,600) Dollars for each bus accepted.

6. Notwithstanding the above, the Purchasing Agent is hereby authorized to convey transit vehicles to Federal Transit Administration ("FTA") grant recipients in accordance with the FTA's requirements. This section only applies to transit vehicles that were purchased with the assistance of grants from the FTA and have not yet exceeded their useful life under current FTA standards. All such conveyances are subject to the approval by Act of the County Board and subsequent approval by the FTA.

7. Notwithstanding the above, the Purchasing Agent is hereby authorized to scrap diesel-powered buses to enable the County to receive a discount from the New York State Energy Research and Development Authority on the purchase price of new electric-powered buses under the New York State Truck Voucher Incentive Program. Scrappage must be performed by a State-approved vehicle dismantler facility. A vehicle is considered "scrapped" when rendered inoperable and available for recycling, by drilling a 3-inch diameter hole in the engine block and disabling the chassis by cutting the vehicle's frame rails or integrated body completely in half. The County may also receive a payment from the vehicle dismantler for the scrap metal value of the bus.

8. Notwithstanding the above, in the event the County participates in a grant program which will result in a reduction of carbon emissions, the Purchasing Agent is hereby authorized, if necessary to comply with the grant program, to dispose of surplus, obsolete or unused materials, supplies and equipment in such manner as may be required pursuant to the grant program.

§2. The County Executive or his authorized designee is hereby authorized and empowered to execute all instruments and to take all actions reasonably necessary to effectuate the purposes of this Local Law.

§3. The Clerk of the Board, shall cause a notice of this Local Law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted in the official newspapers published in the County of Westchester, said notice to contain the number, date of adoption and a true copy of the Local Law, and a statement that this Local Law changes a provision of law relating to the sale, exchange or leasing of County property and is therefore subject to the provisions of Section 209.171(7) of the Westchester County Administrative Code providing for a permissive referendum.

§4. This Local Law shall take effect sixty (60) days after its adoption subject to the provisions of Section 209.181 of the Westchester County Administrative Code.